



Paper No. 25

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In re Application of
Ritchie et al.
Application No. 09/023,259
Filed: February 13, 1998
Attorney Docket No. 101102-0002

OFFICE OF PETITIONS
A/C PATENTS
DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed July 11, 2001, to revive the above-identified application.

This petition is hereby **Dismissed**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** final agency action within the meaning of 5 U.S.C. §704.

This above-identified application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office Action of June 6, 2000. The final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on September 7, 2000. A Notice of Abandonment was mailed on December 14, 2000. A petition to revive the above-identified application was dismissed on May 11, 2001.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03 (c)(III)(C) and (D).

The instant petition lacks item (1) the required reply. On January 12, 2001, Petitioner submitted a Request for Continued Examination ("RCE") as the reply required under 37 CFR 1.137(b)(1). As previously stated in the decision mailed May 11, 2001, the RCE

lacks the submission required under 37 CFR 114 (a) and (c). Accordingly, this application cannot be revived until the required submission has been submitted.

The change of address submitted with the instant petition has been entered and made of record.

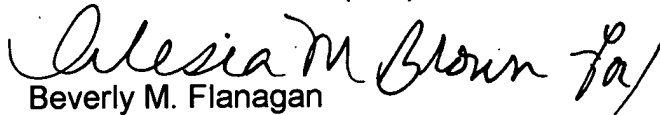
Further Correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
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Telephone inquiries concerning this matter should be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.



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